

Application No. 10/657,439
Amendment dated October 13, 2005
Reply to Office Action of June 14, 2005

REMARKS/ARGUMENTS

Responsive to the Official Action mailed June 14, 2005, applicants have amended the claims of their application in an earnest effort to place this case in condition for allowance. Specifically, claims 4 and 5 have been amended and rewritten in independent claim form, and claim 6 amended to depend from claim 5. Reconsideration is respectfully requested.

In response to the Examiner's restriction requirement, applicants hereby affirm their election to prosecute the claims of Group II, namely claims 4-6. Applicants respectfully reserve the right to file one or more divisional applications directed to their non-elected claims.

Applicants have revised their specification in accordance with the Examiner's helpful suggestion.

In rejecting the pending claims under 35 U.S.C. §103, the Examiner has relied on U.S. Patent No. 4,041,203, to Brock et al., in view of U.S. Patent No. 6,338,885, to Albacarys et al., and Derwent Abstract 1991-073939. However, it is respectfully maintained that these references, even when combined, do not teach or suggest applicants' novel nonwoven fabric construct, and accordingly, the Examiner's rejections are respectfully traversed.

As discussed in the Specification, the present invention contemplates a "dual performance" nonwoven product which is specifically configured for use as a wipe, or like article, by providing an *abrasive side* and an opposing *absorbent side*. In clear distinction from the prior art, this dual performance product is formed by *hydroentangling* an absorbent precursor web, and the associated web providing the abrasive side, with hydroentanglement preferably effected on a three-dimensional image transfer device for imparting an image to the laminate construct. Versatile application of the present invention is further achieved by

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configuring the image to facilitate the desired use of the construct, such as in wiping applications.

Significantly, the principal Brock et al. reference *teaches away* from applicants' novel construct as claimed. First, as acknowledged by the Examiner, "Brock et al. ('203) do not teach an absorbent side and an abrasive side". (Official Action, page 4). Thus, a principal feature of applicants' claimed construct is admittedly not taught or suggested by the principal Brock et al. reference.

Just as significantly, Brock et al. teaches away from integrating a dual performance laminate structure by hydroentanglement. At column 2, lines 5 *et seq.*, Brock et al. states:

As illustrated, in order to provide a unitary structure, ply attachment between the web and matt is effected at the intermittent discrete bond regions 20 which are disposed over the surface of the material in a substantially regular pattern. While as hereinafter discussed, it is preferred that the discrete bond regions 20 be formed by the *application of heat and pressure* at the illustrated intermittent areas, other methods of ply attachment such as the use of *independently applied adhesives* or mechanical interlocking of the fibers such as by *needling techniques* or the like can also be used.

As will be readily apparent to those skilled in the art, Brock et al. specifically *excludes* any teaching or suggestion of employing hydroentanglement, in accordance with the present invention, much less any teaching or suggestion of effecting hydroentanglement in association with a three-dimensional image transfer device in order to impart a desired image to the laminate being formed.

As further noted by the Examiner, Brock et al. fails to teach the inclusion of a cleansing agent, specifically recited in pending claim 6.

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In the Action, the Examiner refers to the Albacarys et al. reference for its teachings regarding a two-layered laminate. However, in this regard, Albacarys et al. neither teaches nor suggests the dual performance laminate of the present invention, including an absorbent side, and an abrasive side formed by filamentary polymeric resin. Rather, Albacarys et al. is limited in its disclosure, with the following generalized statement:

The water insoluble substrates of the present invention can comprise two or more layers, each having different textures, abrasiveness, or extensibilities.

It is respectfully submitted that this general statement in Albacarys et al. would not teach or suggest to one skilled in the art to modify the principal Brock et al. reference, the deficiencies of which are noted above, in order to arrive at the novel dual performance laminate of the present invention. In this regard, it is respectfully noted that neither of these references teach or suggest *hydroentanglement*, in accordance with the present invention, and neither teach or suggest *imparting an image or pattern* by use of a three-dimensional image transfer device, as specifically set forth in the presently pending claims.

Applicants respectfully refer to M.P.E.P. Section 2143.03, which specifically requires "all claim limitations must be taught or suggested by the prior art" (citation omitted). Clearly, both the Brock et al. and Albacarys et al. references are deficient in a number of respects in teaching or suggesting applicants' dual performance laminate construct, as claimed.

It is respectfully submitted that the clear deficiencies in the teachings of Brock et al. and Albacarys et al. are not overcome by the Examiner's further reliance on the Derwent publication. In essence, the Derwent publication *teaches away from* the present dual performance laminate, in that this reference contemplates integrating a layer of nonwoven fiber

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with a scrim of synthetic material so that strands of the nonwoven fiber project through the scrim. In other words, each of the surfaces of the disclosed construct are provided by the *single layer of the nonwoven web of fiber material.*

This is clear from the cited Abstract:

Manufacture of a composite cleaning product comprises, (a) laying a nonwoven web of fiber material (14) face-to-face with a scrim of synthetic material (12) having strands to sandwich the scrim between the two webs; (b) wrapping the fibers of the nonwoven web *around the strands of the scrim* to form a composite web whereby the web and scrim are mechanically joined together such that *at least a portion of the strands are projected from the other surface of the composite product.*

Additionally, the Derwent publication further teaches away from the present invention, by specifically stating that the construct is formed by "applying a print bonding binder", and thereafter "heating them to adhere by curing the binder". Clearly, there is no teaching or suggestion of forming an integrated dual performance laminate by hydroentanglement, much less any teaching of effecting hydroentanglement in association with a three-dimensional image transfer device in order to impart an image to the laminate construct.

In view of the foregoing, formal allowance of claims 4-6 is believed to be in order and is respectfully solicited. Should the Examiner wish to speak with applicants' attorneys, they may be reached at the number indicated below.

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The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this submission to Deposit Account No. 23-0785.

Respectfully submitted,

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I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage at First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on **October 13, 2005**.

